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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

GIL CROSTHWAITE, JOHN BONILLA, in)
their respective capacities as Trustees of the)
OPERATING ENGINEERS HEALTH AND)
WELFARE TRUST FUND FOR)
NORTHERN CALIFORNIA et al.,)

Plaintiffs,

vs.

BELICITTI AND PELLICCIOTTI)
CONSTRUCTION COMPANY et al.)

Defendants.)

Case No.: C 05-01261 MJJ

**NOTICE OF VOLUNTARY
DISMISSAL WITHOUT PREJUDICE;
ORDER THEREON**

GRANTED

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NOTICE OF VOLUNTARY DISMISSAL AS TO DEFENDANT SURETY CO. OF THE PACIFIC ONLY;
ORDER THEREON;
Case No. C 05-1261 MJJ

NOTICE IS HEREBY GIVEN THAT PURSUANT to Federal Rule of Civil Procedure 41(a), Plaintiffs voluntarily dismiss the above-captioned action without prejudice as to Defendant BELLICITTI AND PELLICCIOTTI CONSTRUCTION COMPANY and Defendant LEO PELLICCIOTTI. Plaintiffs therefore request that the Court to enter an order in conformity with their voluntary dismissal of the matter as to the aforementioned Defendants. The Defendants, and each of them, were served with the complaint and summons relating to this matter.

Dated this 9th day of September of 2005.

OPERATING ENGINEERS LOCAL UNION
NO. 3 TRUST FUNDS-MULTI SERVICES

By: 

TRACY L. MAINGUY
ATTORNEY FOR PLAINTIFFS

ORDER

Based upon the above and pursuant to Federal Rule of Civil Procedure 41(a), this matter is dismissed without prejudice as to Defendant BELLICITTI AND PELLICCIOTTI CONSTRUCTION COMPANY and Defendant LEO PELLICCIOTTI.

Dated: 9/12/2005


HONORABLE JUDGE MARTIN J. JENKINS